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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SWEE SIENKOWSKI
106 Cascades Court
Blue Bell, PA 19422

: CIVIL ACTION

vs

:

QUEST DIAGNOSTICS, INC.
1290 Wall Street West
Lyndhurst, NJ 07071-3603

14 1851

:

:

: NO.

and

:

QUEST DIAGNOSTICS, INC.
32 Giralda Farms
Madison, NJ 07940

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:

COMPLAINT AND DEMAND FOR JURY TRIAL

GENERAL ALLEGATIONS

1. Plaintiff, Swee Sienkowski, is a citizen and resident of the Commonwealth of Pennsylvania, with her residence at 106 Cascades Court, Blue Bell, Pennsylvania, 19422.
2. Defendant, Quest Diagnostics, Inc. is a corporation organized under the laws of the State of New Jersey and engages in the business of providing clinical laboratory services to the public.
3. Jurisdiction is proper in this District due to diversity of citizenship under 28 U.S.C. §1332 in that plaintiff, **Swee Sienkowski**, is a citizen of the Commonwealth of Pennsylvania and the defendants are citizens of other jurisdictions.

FACTUAL ALLEGATIONS

4. On or about October 17, 2012, plaintiff presented to defendant facility for her annual blood workup.

5. Agents, servants, nursing staff and other attending personnel nursing staff while under the supervision and control of the corporate defendant or employees of Quest Diagnostics, Inc. performed venipuncture in an attempt to withdraw blood for blood testing.

6. During the venipuncture, defendants, by and through their agents, servants, nursing staff and other attending personnel nursing staff lacerated a blood vessel resulting in an internal bleeding.

7. As a result of the negligence of defendants in performing the venipuncture, plaintiff developed compartment syndrome.

8. Plaintiff required subsequent hospitalization as a result of the condition which developed requiring plaintiff to undergo a right upper arm fasciotomy.

9. As a further result of the negligence of defendants as hereinafter set forth, plaintiff's right arm is permanently damaged.

COUNT I
PLAINTIFF VS. DEFENDANT, GARY GORDON, DPM
NEGLIGENCE

10. Plaintiff hereby incorporates by reference all of the allegations set forth in Paragraphs 1 through 9 of this Complaint as if same were fully set forth herein at length.

11. As a health care provider licensed to provide medical testing in the Commonwealth of Pennsylvania defendant, Quest Diagnostics, Inc., owed to plaintiff a duty to exercise due care and skill in the care and treatment of plaintiff's condition.

12. Defendant, Quest Diagnostics, Inc., failed or refused to act with reasonable care in the following manner:

(a) violating their duty to provide adequate patient care, including but not limited to testing and treatment of plaintiff.

- (b) failing to properly, fully and adequately treat plaintiff for his condition;
- (c) failing to properly examine plaintiff's arm following venipuncture;
- (d) failing to properly and carefully perform venipuncture on the plaintiff;
- (e) failing to use the required amount of skill in the performance and administration of said venipuncture;
- (f) failing to properly advise and warn plaintiff of the condition or conditions which plaintiff might develop and did develop including the possibility of a lacerated blood vessel and subsequent compartment syndrome;
- (g) failing to properly advise and warn plaintiff of the condition or conditions which plaintiff might develop and did develop including permanent use of her right arm which defendants knew or should have known would or might have taken place;
- (h) failing to exercise the proper skill, diligence, due care and caution under all of the circumstances;
- (i) subjecting plaintiff to a substantially increased risk of harm.

13. As a result of the defendants' negligence and carelessness as aforesaid suffered severe physical pain and mental anguish and has suffered compartment syndrome resulting in serious and permanent injuries to plaintiff's right arm and hand.

14. Defendant's negligence has subjected plaintiff to a substantial increased risk of harm as well as other serious and permanent injuries,

15. Plaintiff makes claim herein for such injuries, damages and consequences of which she has no present knowledge,

16. By reason of the injuries sustained, plaintiff has been and may in the future continue to be required to expend various sums of money for medicine and medical treatment in and

about endeavoring to treat and cure herself of her injuries.

17. By reason of the injuries sustained, plaintiff has and may continue to suffer great pain and agony, mental anguish and humiliation and has been and may in the future be hindered from attending to her daily duties, functions and occupation, all to her great damage and loss.

WHEREFORE, plaintiff, Swee Sienkowski, demands judgment against the defendants, in a sum in excess of Seventy-five Thousand (\$75,000.00) Dollars.

COUNT II
SWEE SIENKOWSKI VS. QUEST DIAGNOSTICS, INC.

18. Plaintiff hereby incorporates by reference all of the allegations set forth in Paragraphs 1 through 17 of this Complaint as if same were fully set forth herein at length.

19. Defendant, Quest Diagnostics, Inc., provided care and treatment to plaintiff as agents, servants, nursing staff and other attending personnel nursing staff were under the supervision and control of the corporate defendant or employees of Quest Diagnostic, Inc.

20. The aforementioned physicians, nursing staff and other attending personnel nursing staff were under the supervision and control of the corporate defendant and were required to adhere to the policies, procedures and regulations promulgated by said defendant.

21. At all times relevant hereto, defendant, Quest Diagnostics, Inc., nursing staff and other attending personnel were acting in the scope of their employment as agents, servants, or employees of defendant, Quest Diagnostics, Inc. and said defendant had a duty to oversee all persons who practiced medicine within its facility as to patient care;

22. Defendants, Quest Diagnostics, Inc., is vicariously liable for the acts, commissions, or omissions of defendant, Quest Diagnostic, Inc. and its employees, staff and other attending personnel as fully as though the aforementioned physician performed the acts or omissions

themselves. In the alternative, defendants are responsible for the negligent acts or omissions of other physicians who are agents, employees, or servants of defendant, Quest Diagnostics, Inc.

23. Defendant, Quest Diagnostics, Inc., had actual or constructive knowledge of the defect of procedures which led to plaintiff's injuries.

24. Defendants, Quest Diagnostics, Inc., is liable to the acts as aforesaid as a matter of corporate liability.

25. As a direct and proximate result of the conduct of said defendant as previously set forth, plaintiff suffered severe physical pain and mental anguish and has suffered compartment syndrome, as well as other serious and permanent injuries.

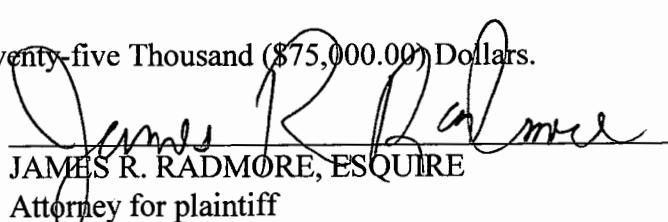
26. As a further direct and proximate result of the conduct of said defendant as previously set forth, plaintiff endured great physical pain and mental anguish, discomfort, distress and pain and suffering.

27. As a further direct and proximate result of the conduct of said defendant as previously set forth, plaintiff required medical treatment and care and incurred medical expenses therefor.

28. As a further direct and proximate result of the conduct of said defendant as previously set forth, plaintiff has been subjected to a substantial increased risk of harm as well as other serious and permanent injuries,

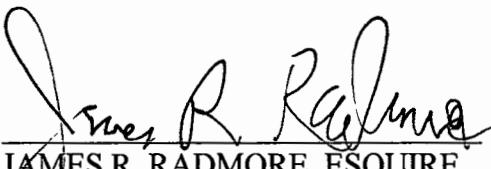
29. Plaintiff makes claim herein for such injuries, damages and consequences of which he has no present knowledge,

WHEREFORE, plaintiff, Swee Sienkowski, demands judgment against the defendants, in a sum in excess of Seventy-five Thousand (\$75,000.00) Dollars.


JAMES R. RADMORE, ESQUIRE
Attorney for plaintiff

CERTIFICATION

JAMES R. RADMORE, ESQUIRE, certifies that there are no other actions or arbitrations pending or contemplated involving the subject matter of this controversy at this time, and there are no additional known parties who should be joined to this present action at this time. I certify the foregoing to be true. I am aware that if the above is willfully false, I am subject to punishment.



JAMES R. RADMORE, ESQUIRE
Attorney for Plaintiff

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIACASE MANAGEMENT TRACK DESIGNATION FORM

SWEET SIENKOWSKI

v.

CIVIL ACTION

14 1851

QUEST DIAGNOSTICS, INC., et al

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

(a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()

(b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()

(c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()

(d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()

(e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()

(f) Standard Management – Cases that do not fall into any one of the other tracks. ()

March 27, 2014

Date

\s\James R. Radmore

Attorney-at-law

Plaintiff

Attorney for

MAR 27 2014

215 568 9900

Telephone

215 568 4546

FAX Number

jrr@radmore.net;msh@radmore.net

E-Mail Address

(Civ. 660) 10/02

MAR 27 2014

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 106 Cascades Court, Blue Bell, PA 19422

14 1851

Address of Defendant: 1290 Wall Street West, Lyndhurst, NJ 07071

Place of Accident, Incident or Transaction: 1050 S. Broad Street, Lansdale, PA 19446

14 1851

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes No

Does this case involve multidistrict litigation possibilities?

Yes No

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes No

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes No

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes No

4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

Yes No CIVIL: (Place in ONE CATEGORY ONLY)A. *Federal Question Cases:*

1. Indemnity Contract, Marine Contract, and All Other Contracts
2. FELA
3. Jones Act-Personal Injury
4. Antitrust
5. Patent
6. Labor-Management Relations
7. Civil Rights
8. Habeas Corpus
9. Securities Act(s) Cases
10. Social Security Review Cases
11. All other Federal Question Cases

(Please specify) _____

B. *Diversity Jurisdiction Cases:*

1. Insurance Contract and Other Contracts
2. Airplane Personal Injury
3. Assault, Defamation
4. Marine Personal Injury
5. Motor Vehicle Personal Injury
6. Other Personal Injury - Medical Malpractice
7. Products Liability
8. Products Liability — Asbestos
9. All other Diversity Cases

(Please specify) _____

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, James R. Radmore, counsel of record do hereby certify:

 Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs; Relief other than monetary damages is sought.

DATE: March 27, 2014

\s\James R. Radmore

Attorney-at-Law

36649

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

MAR 27 2014

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: DATE: March 27, 2014

\s\James R. Radmore

Attorney-at-Law

36649

Attorney I.D.#

ER

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SWEET SIENKOWSKI

: CIVIL ACTION

vs

: : 14 1851

QUEST DIAGNOSTICS, INC.

: No.

and QUEST DIAGNOSTICS, INC.

DISCLOSURE STATEMENT FORM

Please check one box:

The nongovernmental corporate party, Sweet Sienkowski, in the above listed civil action does not have any parent corporation and publicly held corporation that owns 10% or more of its stock.

The nongovernmental corporate party, , in the above listed civil action has the following parent corporation(s) and publicly held corporation(s) that owns 10% or more of its stock:

Date

March 27, 2014

\s\James R. Radmore

Signature

Counsel for: Plaintiff, Sweet Sienkowski

Federal Rule of Civil Procedure 7.1 Disclosure Statement

(a) WHO MUST FILE; CONTENTS. A nongovernmental corporate party must file two copies of a disclosure statement that:

- (1) identifies any parent corporation and any publicly held corporation owning 10% or more of its stock; or
- (2) states that there is no such corporation.

(b) TIME TO FILE; SUPPLEMENTAL FILING. A party must:

- (1) file the disclosure statement with its first appearance, pleading, petition, motion, response, or other request addressed to the court; and
- (2) promptly file a supplemental statement if any required information changes.